



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

the first declension; the dative and accusative plural of the second; and one form of the accusative singular of the third. They have also been introduced to the connections between Greek and English in such words as *mania*, *ode*, *theology*, *myriad*, *theme*, *epithet*, *hypothesis*, *polygon* and similar compounds, *psychology* and *project*". Finally, the letter contains the following comment: "This method will not, of course, lead to a very extensive knowledge of Greek, but I am inclined to think that it will have considerable linguistic value and give not a little pleasure. At present the class seems to be enjoying the experiment as much as I am, and several have asked if I will not have a regular Greek class next year".

This experiment illustrates what I tried to say in *The School Review*. Greek is so remote from the ordinary experience of High School students that they will have to be introduced to the language indirectly if they are to cultivate any enthusiasm for it. Furthermore, I believe that the emphasis upon English words and the connection of the other language with our own language ought long ago to have been recognized by classical teachers in a very much more vital way than has commonly been the practice.

I remember visiting a small school in Connecticut where the teacher was giving a Latin lesson in exactly the same spirit in which the instructor who wrote me the letter above referred to is teaching Greek. Although he was a college-trained man, and had learned the Roman pronunciation of Latin, he was taking up with the children in his school a few simple Latin stories, was introducing the children to Latin as a source of English words and folk-lore, and in order to do this the more efficiently he was using the English pronunciation. The students got very little Latin in that particular work, but they got some notion of what the language was like and they got a very vivid notion of the connection between Latin and English. I have no doubt that some of them went on to later courses and profited by their experience in that school.

I made some negative comments in *The School Review* which I ought perhaps to justify somewhat further. Latin, in my opinion, is suffering a very great deal by being kept on the preferred list. Consciously or unconsciously, High School administrators and teachers have kept Latin in the position of a required study, and where it has not been actually required it has been enforced with all of the influences that the administration can exercise in its favor. I believe that this is fatal. The reaction away from Latin on the part of the student who is no longer required to take it is violent. The attitude of those who pursue it is not what it should be. The relation to French and German is not just. When the reaction comes, as I think it did in Greek, it is likely to be too strong. There would undoubtedly be a justification for the study of Greek on the part of some of the students in the High School, but Greek cannot be forced into the curriculum by any administrative device whatsoever. The devices used ought to be educational rather than administrative.

The Modern Language people are coming to see the importance of putting their work into the elementary schools. They are making it attractive by using a good deal of the natural method. I judge that the Latin teachers in many schools are disposed to adopt the same methods. An interesting fact remains for the outside observer of Latin that there are many teachers who have not yet seen the

importance of reworking Latin so as to permit its success in a day when competition rather than exclusive rights characterizes the organization of the High School curriculum.

I trust that this brief statement may serve your purposes and explain, somewhat more fully than did my single paragraph in *The School Review*, what I meant by calling upon the teachers of the Classics to develop their subjects educationally and drop the administrative devices which have been employed in times past to excess.

Whether Professor Judd has fairly met the points made in my letter in criticism of his original utterances in *The School Review* concerning the teachers of the Classics, especially the teachers of Greek, I leave to the readers of *THE CLASSICAL WEEKLY* to determine. For the present I wish to direct attention rather to what Professor Judd has said about the introduction of Latin into the upper grade or grades of the Elementary School. Professor Yocum, of the Department of Education of the University of Pennsylvania, has recently made the same suggestion. We expect to present soon in *THE CLASSICAL WEEKLY* a paper by Professor H. C. Nutting of the University of California on the results of the actual introduction of Latin into the seventh and eighth grades of the Elementary Schools of California. This will be followed by a paper on the methods used in these grades in the teaching of Latin, a paper written by a teacher in such a school.

In conclusion, in connection with Professor Judd's evident preference for the use of the English pronunciation of Latin, I would remind our readers of Professor Lodge's remarks in *THE CLASSICAL WEEKLY* 1.185.

C. K.

AMERICAN POLITICS AND THE TEACHING OF CICERO¹

We are told again and again that the proper function of School and College is to train the boys and girls for citizenship, to make them substantial citizens working for the interest of the community—a thing which necessarily involves taking an interest in the affairs of government. We may not all believe that this is the only function of education, nor may we be able to agree on the methods by which this result may be achieved, but I think that everyone in a republic such as ours recognizes that it is important to interest our youth in our government. What, then, under existing conditions, can we as Latin teachers do, especially in our Secondary Schools, that will have a direct bearing on this function? We can find the answer to this question if we keep in mind what the inspired teacher has done for generations—namely, correlated the text studied with the things happening about him every day. This is valuable not only for its own sake but

¹ This paper was read at the Seventh Annual Meeting of The Classical Association of the Atlantic States, at Baltimore, May 3, 1913.

also for the added interest in Latin which it gives to the student. Some authors afford particularly good opportunities for this purpose along certain lines; thus, for example, to my mind no better course can be given in practical ethics than in the study of Horace. For politics the study of Cicero is particularly suitable. I do not mean that the study of the language itself should be lessened; what I am speaking for is a matter that takes relatively little time. It is like the unseen sugar that makes a dish palatable and has a dietary value besides. Let us not be afraid of the word "sugar"—properly taken a little of it is wholesome, in School or out. It is true, however, that much of our educational indigestion in America is due to the laxity of our alma maters in allowing their children to help themselves too freely from the pedagogical sugar-bowl.

Many pupils who read Cicero get the idea that he was a perfect patriot living in some remote, half-real age, and that he saved his country from a perfect scoundrel named Catiline. Such a picture is as untrue as it is uninteresting. Neither of these beings was a perfect representative of his kind. The field of battle on which they met was that of politics—plain every day American politics. The average student likewise gets the impression, thanks to Cicero's oratorical ability, that the suppression of the conspiracy was one of the most important events in the world's history. In preventing these errors the teacher has the opportunity of comparing and contrasting the political situation preceding and during the consulship of Cicero with that of the present time. The useful result reached should be not merely the interest aroused in the student, but a broader view of our own politics. It is well for the pupil to learn that the political events of to-day are not isolated phenomena, that the political problems that confront us are not entirely new. It may be said that the school histories tell us of these ancient parallels and, better yet, of more modern and closer parallels. But there is a more impressive appeal in dealing with some of the material directly and in dealing with events of long ago; the parallelism seems more remarkable. There are students—good students—whom we cannot really reach by making them read a historical account, while a few words, where least expected, often convey a lasting impression. A student who gets this feeling gets a broad-minded attitude toward politics. It is this broad-mindedness, this liberalness, towards all things that is the chief element in my definition of culture—that culture which the Classics should give.

It is a popular belief, encouraged by the opponents of the Classics, that the teacher of Latin has no interest in the life about him. It is true that this is more or less the feeling toward the teaching profession as a whole, particularly toward the Col-

lege professor, but the Latin teacher is usually considered the most typical specimen of the species. This is but one phase of the tendency to make Latin and Greek the scape-goats for all faults charged against our educational system, even in institutions where Latin is studied only by a small percentage and Greek has all but disappeared. This attitude has been very convenient in deflecting the limelight from the teachers of other subjects. By the introduction of the scheme of comparisons that I have in mind the teacher of Cicero can do much to disprove such charges. It is not true that the study of Latin is remote from governmental and sociological matters. We should remind ourselves and others that the retiring ambassador of Great Britain, who has written the best account of the United States and its society, a book which is used as a text-book in its field, felt enough at home in a recent gathering of classical philologists to enter freely and voluntarily into a discussion of one of the papers.

The comparisons which I have in mind are of two kinds: those of institutions, and those of events and the men who bring them about. The Introductions of our editions of Cicero contain summaries of the political institutions of the Romans, which, presumably, the teacher has his class use in one way or another. There is considerable opportunity for comparison in this connection. As an instance I might mention the admirable comparative study of the Senate of Rome and that of the United States which Professor Abbott has given us². Merely the explanation of certain terms used in political campaigns furnishes the opportunity for a comparison of ancient and modern electioneering methods. The illustration is a familiar one: The candidate (*candidatus*, so-called because his white toga had just come from the cleaner's) went around (hence *ambitio*) to shake hands with the voters (*prensatio*). If his desire for the votes of his fellow-citizens took the concrete form of leaving something in their palms, his campaign methods were described as *ambitus* rather than *ambitio*, a fact which shows how two words of identical origin can mean something entirely different. I need not say more along this familiar line. My particular aim is to deal with events and persons rather than with institutions. Naturally in a brief paper I can not go into great detail, nor do I lay much stress on the comparisons that I offer. They are illustrations of little more than temporary interest. What I do wish to lay stress on is, first, that the political situation in this country during the last year or two has been more favorable for comparison with the situation in the years before 62 B.C. than it has been for some time, and, secondly, that every teacher can make numerous comparisons for himself.

While there were no regularly constituted political parties in Rome, there were, of course, two

² In his *Society and Politics in Ancient Rome*, 22 ff.

main streams of opinion, the radical and the conservative, with various shades of opinion between these. The conservatives were the senators, who remained in control of the government through a suffrage system similar in principle to the one about to be discarded in Belgium.

Let me quote to you a portion of Ferrero's description of Cicero, and ask you whether it does not call to mind a prominent figure of recent politics: "Cicero was not a man of action. He was untouched by the two great passions, love of money and love of power, which drive men to face the perils of great social conflicts. He was a man of strong and subtle intellect. He had frugal and cautious habits, strong family affections and a somewhat exaggerated respect for aristocracy and wealth. The public life of his time, with its bitterness and its treachery, offended against all his deeper instincts. So well indeed had he realized this himself that he had hitherto been quite satisfied to remain the greatest lawyer in Rome, and had only sought public office because he had obtained it unopposed". These words may not be a fair estimate of ex-President Taft, but they are strikingly similar to those used of him in the newspapers. In still another respect may Cicero and Mr. Taft be compared. The latter was elected on a platform embodying the so-called Roosevelt progressive policies and was forced by circumstances more and more to take a conservative position. This was true of Cicero also; after having been a liberal all his life, he was elected by a combination of liberal and conservative votes, and then was forced to become the spokesman of the conservative party.

It has been said that President Wilson was elected by Republican votes. However this is to be understood, it is certainly true that many conservative Republicans who felt that Mr. Taft had no chance of succeeding himself voted for President Wilson in order to prevent the election of Mr. Roosevelt. This is exactly the way in which Cicero was elected to the consulship. The nobles had no use for this *novus homo*, but it had been impressed upon them that their own candidates had no chance, and that the wisest course was to throw their support to Cicero rather than have Catiline, with all his radical ideas, elected. With Cicero was elected Antonius, who had been Catiline's running-mate. Let us attempt to analyze the vote in American fashion. It is likely that many of the people voted for Cicero, who was generally popular because he was a *novus homo*, because of his eloquence, and because of his interest in the people; others voted for Catiline because he promised economic and political reforms. We are told that Antonius had only a few more votes than Catiline. The nobles must therefore have given their second votes to Antonius as being the lesser of two evils. In this election we see Wall Street divided against itself, as it was in our own

election of last fall: on the one side was Crassus, on the other was Atticus, who reminds us in several respects of the late Mr. Morgan.

After Cicero entered office, there took place a series of political manoeuvres that can be paralleled very often in American politics. The chief character was that cleverest of all politicians, Julius Caesar. It was Caesar's policy to discredit the new administration. He had a radical agrarian law proposed by one of the tribunes; Cicero was in favor of the principle of agrarian legislation but could not, as a member of the conservative party, approve of this measure. One of Cicero's speeches against it (for as the party leader he was forced to take the platform) furnishes an excellent chance for comparison with our own political speeches. He says that he has been elected a consul 'of the people, by the people, for the people', that he is serving their real interests, that there is peace and prosperity in the country, etc., etc. Then Caesar made another move. He had a charge brought by a tribune against a forgotten old senator, Rabirius. The tribune was Titus Labienus, in later years Caesar's trusty lieutenant in the Gallic campaigns. The charge was that of having taken part in the riots which resulted in the death of the popular idol, Saturninus, thirty-seven years before! The matter was referred to a court consisting of two judges, C. Julius Caesar and a relative of his, L. Julius Caesar. Naturally Rabirius was convicted. He appealed to the people and Cicero of course made a speech in his defense. But the people were thoroughly aroused by the reference to their martyred Saturninus and were on the point of refusing the appeal when a conservative praetor adjourned the meeting. Caesar did not press the matter, for he was entirely satisfied with the political effect. As a result of the popularity thus gained Caesar achieved the impossible by being elected pontifex maximus. Cicero was now looked upon with suspicion, as we can see from the first two orations against Catiline. Now all this is merely what we call 'peanut' politics, or 'grandstand' politics, or just plain politics. A recent example is the action of Congress preceding the last election. It was manufacturing campaign material instead of making laws.

Of course one's conception of Catiline's conspiracy will determine the nature of the comparisons he will make. Whatever be one's attitude toward Catiline himself, it must be admitted that many of his sympathizers were respectable folk, of honest convictions. We may call them socialists or progressives or radicals, according to our point of view. The chief plank in Catiline's platform dealt with the money question, as is clear from Cicero himself. In the second oration he enumerates six classes of Catiline's followers; the first four classes Cicero hopes to win away from him, the other two, being composed of criminals, he does not want.

The first four classes have one thing in common—they are all composed of men who are in debt and are crying for relief. Nor are they all rascals—the first class consists of men of property for whom, as Cicero himself says, it would be madness to go to war and lose all. Evidently there was a principle at stake. Some of the third class, too, must have been good citizens—I mean the small farmers. The fact of the matter is that a financial panic existed, brought on by a small group of bankers who constituted a 'money trust'. They demanded high rates of interest and, even so, preferred to do big business with provincials to doing small business with the Italian farmers. A system of farm credits such as has been suggested for this country might have helped a great deal. A bill was proposed in 67 B.C. to prohibit loans outside of Italy, but the 'interests' prevented its passage. The situation in 63 illustrates the danger attending the concentration of money or credit in a few hands if these few are not 'good hands'—a danger admitted by financiers in our recent Congressional investigation. The nature of the crisis is clear from Sallust as well as Cicero, especially from the message sent by Manlius to Marcius Rex, as quoted by Sallust. The courts (i.e. the praetors), which had supported the bankers, were attacked by Manlius, and a final appeal was made to the Senate for legislation that would relieve the situation. Catiline's solution of the trouble was the abolition or reduction of debts. This seems a startling proposal but was by no means unparalleled. Ferrero says that it is not very different from that of Mr. Bryan in 1896 when he advocated the payment in silver of debts contracted in gold. There were other causes for the economic disturbance—one that Sallust gives fits conditions to-day—the influx into the city from the farm. Men of all parties to-day tell us that in spite of peace and prosperity there is an unrest in the land. Just the other day ex-Governor Hadley, a Republican, quoted President Wilson with partial approval to this effect. Sallust's statement (Cat. 36) that Rome had both peace and prosperity, the two things that men consider of prime importance, and that in spite of this certain citizens were intent on destroying themselves and the country by their obstinacy, is surprisingly similar, if we make allowance for his partisan standpoint.

I certainly intend no disrespect to Mr. Roosevelt when I say that he reminds one somewhat of Catiline. For one thing, we are told that Catiline was a man of splendid physique, and, in spite of Cicero's sneers, this was something to be proud of. Catiline, like Mr. Roosevelt, headed the party of discontent. His speech to his henchmen, as imagined by Sallust (Cat. 20), is an interesting document in this connection. For example, he alludes to his sympathizers as the 'strenuous', though, to be sure, Sallust is particularly fond of that word.

The government is in the hands of a few, he asserts. He exclaims in conclusion that whether they make use of him as commander-in-chief, or as a common soldier, his heart and strength will be with them.

It is well-known that in the speeches against Catiline Cicero lays emphasis on the point that Catiline is a *hostis*, a public enemy. Another term that Cicero applies to him is *parricida*. The term is suggested in the course of the long and impressive passage of the first Oration in which Cicero personifies the fatherland as the 'common parent of us all'; Catiline is a parricide because he plots the murder of this parent. At the very end of the speech Cicero dwells on the words *parricidium* and *hostis*. When Catiline attempted to answer the speech the senators shouted him down—as we could guess, even if Sallust did not tell us—with cries of *hostis* and *parricida*. From that time on *parricida* became a famous word, like that expression of our former president, 'undesirable citizen'. And Catiline showed his resentment, as Sallust again tells us (Cat. 35), by the intimation that he was not on trial before the Senate, just as the original 'undesirable citizen' intimated to our ex-President that the latter was not the judge or the jury.

The foregoing illustrations indicate the kind of comparison that seems useful. Several possible objections to the entire plan suggest themselves. First, it may be said it is best to avoid any mention of politics in the school-room in order that it may not become a center for partisanship. A moment's thought shows the frailty of such an argument. The same objection might be raised to the teaching of civics or United States history; it all depends on the teacher. It should, however, be pointed out that this is a danger which the teacher must avoid; he can easily do so if he forces himself to take a pride in preventing his pupils from discovering what his political beliefs are. I venture to say that it would be difficult for one to discover from the remarks I have made whom I supported in the last campaign. Again, it may be objected that High School students are too young to gain anything from such a comparison; in a sense they are too young for the whole curriculum. Then, too, it is said that there is danger of carrying the parallelism too far, and distorting the facts; this danger exists, I admit, and it must be avoided. There should be contrast as well as comparison, and it should be remembered that the comparison is quite as valuable if not carried out consistently. To give a vivid picture of Cicero, for example, one may compare him with five or six men of to-day for various details. Finally, it may be thought that the many girls of the Cicero class would not be interested in such comparisons and would find them useless; the same objection can be made to the study of civics, not to mention Caesar. Besides, in these days

of the spread of the suffrage agitation, it is especially necessary for the girls to take an interest in such matters. The mention of civics suggests the possibility of working out a scheme of correlation between that subject and Cicero.

In concluding, I offer two suggestions that might be helpful. First, it is advantageous to read portions of Sallust and several of Cicero's letters bearing on Catiline's conspiracy; secondly, the teacher can often read appropriate newspaper clippings to the class when he is making some comparison, and ask the class to bring in clippings that suggest comparison. Not much can be expected from the last-mentioned expedient, but it may result in interesting a few students to read more of the newspaper than the comic-section and the sporting-page.³

UNIVERSITY OF PITTSBURGH.

B. L. ULLMAN.

REVIEW

Roman Law Studies in Livy. By Alvin E. Evans. Reprinted from University of Michigan Studies, Humanistic Series, 4:275-354. New York: The Macmillan Co. (1909). 50 cents.

Mr. Evans desired to do for Livy something of what Bekker and Costa had done for Terence and Plautus¹, "to see what value his <Livy's> writings may have for the study of law" (275). As announced on the same page, "The purpose of this paper is to show that it was not private law, but public law rather, which interested Livy".

The paper is divided into three parts: I *Ius* (277-298), II Precedent and Custom (299-315), III Criminal Procedure (316-352).

On page 353 Mr. Evans sums up his conclusions as follows:

Ius in Livy denotes a relationship between parties, embodying rights or duties of either party. . . . (2) *Ius gentium* in Livy means international law in a sense closely akin to the modern sense. (3) Precedent and custom . . . give rise to various kinds of *ius* . . . they sometimes override older statute law. (4) There developed in Rome two jurisdictions for criminal prosecutions. The one was a public prosecution before the people under the leadership of the tribunes. . . . The other jurisdiction was the *quaestio extraordinaria* . . . , regularly decreed by the senate, and the *senatus consultum ultimum* was a direct descendant of it.

The complicated analysis which Mr. Evans presents in Part I does not show that *ius* had in Livy any sense which it did not have in all other Latin writers. All of the meanings find counterparts in the Digest de Iustitia et Iure (1.1). Even *ius* in

the sense of tribunal (289) is mentioned there, from Paul on Sabinus (1.111). Mr. Evans undoubtedly is somewhat in error when he makes of *ius* a "relationship". The general feeling toward *ius* in all Latin writers is the one formulated by the later civilians. '*Ius* is justice expressed in terms of law' (*ius est constituta aequitas vel ars boni et aequi*: so Irnerius, Quaest. 1.2, after Celsus's definition. See Dig. 1.1.1, pr.).

Nor does the second conclusion, that concerning *ius gentium*, seem to be better sustained. Mr. Evans cites the statement of certain modern books, Hunter's Jurisprudence, and Abdy-Kent, International Law, that the Roman *ius gentium* did not correspond to our International Law². In that statement they follow not so much Cicero, as all the Roman lawyers, Gaius, Ulpian and the Institutes, and, since they have specific and unambiguous definitions to guide them, they cannot be said to have proceeded "upon insufficient testimony" (298).

Mr. Evans holds that *ius gentium* may cover our international law and cites ten instances from Livy to prove it. Of these instances, 1,2,3,7 refer to the *ius legationis*, 4,5, 6, 8 to truces. 9 and 10, as he himself admits, do not involve international law at all. But, in the first place, the authorities quoted on page 296, Hunter and Kent, do not in the least say that *ius gentium* could not, by any possibility, include any of the matters discussed in modern manuals of international law. Secondly, most modern writers specifically include the matters referred to (compare Mitteis, Römisches Privatrecht bis auf die Zeit Diokletians, page 62, note 3 b). Indeed with such passages before them as Sallust Iug. 22.4, Tacitus Ann.1.42, and, above all, Pomponius, Dig. 50.7.18 pr., *si quis legatum pulsasset, contra ius gentium id commissum esse existimatur*, they could scarcely do otherwise. It may be further noted that in this passage Pomponius is commenting on Q. Mucius Scaevola and that the incident discussed is the famous *editio hostibus* of Mancinus. And in Dig. 1.1.5 Hermogenianus tells us that *ex hoc iure gentium introducta bella, discretæ gentes, etc.*—which sufficiently covers all these questions.

Therefore, when Mr. Evans denies the statement that *ius gentium* could not cover any question of modern international law, he is destroying a man of straw. Nobody ever said so. Livy uses *ius gentium*, just as other Latin writers do, including the lawyers.

As to the *ius fetiale* (297) Mr. Evans is quite right in stating that it concerned procedure, not substantive law, and he might have insisted still more strongly on it³.

² It does of course concededly cover many topics of what is still called Private International Law, which is properly not international law at all. Compare Gray, Nature and Sources of the Law, § 284.

³ This is in no sense new. Compare particularly Wissowa's article *Fetialis*, in the Pauly-Wissowa Realencyclopädie. The article by Professor Tenney Frank on The Import of the Fetial Institution (Classical Philology 7.335-342) can be used only with caution.

³ It is only fair to ask the reader to refrain from drawing false inferences from what is left unsaid in this paper. For example, it should not be assumed from the references to Ferrero, that his history is unreservedly recommended to the reader.

¹ Mr. Evans does not state where these studies are to be found. Emilio Costa's article on The Law in Plautus appeared under the title of *Il Diritto Privato nelle Commedie di Plauto* (Torino, 1890). Bekker's article on The Law in Terence is in the Zeitschrift der Savigny-Stiftung, Römische Abteilung 13 (1892), 53-118, under the title *Die römischen Komiker als Rechtszeugen*.